ESTTA Tracking number:

ESTTA752875

Filing date:

06/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Enterprise Holdings, Inc.
Granted to Date of previous extension	06/19/2016
Address	600 Corporate Park Drive St. Louis, MO 63105 UNITED STATES

Attorney informa-	Lisabeth H. Coakley
tion	Harness, Dickey & Pierce, P.L.C.
	5445 Corporate Drive, Suite 200
	Troy, MI 48098
	UNITED STATES
	coakley@hdp.com, tjcomparoni@hdp.com, troymailroom@hdp.com
	Phone:(248) 641-1600

Applicant Information

Application No	79162754	Publication date	12/22/2015
Opposition Filing Date	06/16/2016	Opposition Peri- od Ends	06/19/2016
International Registration No.	1241283	International Registration Date	01/12/2015
Applicant	E-Force One AG Obere Allmend 12		
	SWITZERLAND		

Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Vehicles, namely land vehicles; apparatus for locomotion by land, air or water, namely land vehicles, boats, airplanes; electric vehicles, namely electric landvehicles

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	925251	Application Date	03/16/1970
Registration Date	12/07/1971	Foreign Priority	NONE

	Date
Word Mark	E
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15
	RETAIL AUTOMOBILE SALES SERVICES
	Class U100 (International Class 035, 036, 037, 038, 039, 040, 041, 042). First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15
	[AUTOMOBILE LEASING SERVICES]

U.S. Registration No.	1045085	Application Date	10/02/1974
Registration Date	07/27/1976	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 SHORT-TERM RENTAL SERVICES OF AUTOMOBILES AND TRUCKS		

U.S. Registration	1864905	Application Date	12/06/1993
No.			

Registration Date	11/29/1994	Foreign Priority Date	NONE
Word Mark	E	<u> </u>	
Design Mark			
Description of Mark	NONE		
Goods/Services	[automotive fleet manageme Class 037. First use: First Us [automotive repair services] Class 038. First use: First Us [telephone leasing services] Class 039. First use: First Us rental and leasing services of Class 042. First use: First Us	ent services] e: 1967/02/15 First U [and telephone insta e: 1988/02/01 First U e: 1967/02/15 First U f automobiles and tru e: 1967/02/15 First U	Jse In Commerce: 1988/02/01 Jse In Commerce: 1967/02/15
U.S. Registration	1875518	Application Date	12/06/1993

U.S. Registration No.	1875518	Application Date	12/06/1993
Registration Date	01/24/1995	Foreign Priority Date	NONE
Word Mark	Е		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [automotive fleet management services] Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [automotive repair services and telephone installation and repair services] Class 038. First use: First Use: 1988/02/01 First Use In Commerce: 1988/02/01 [telephone leasing services] Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 rental and leasing services of automobiles and trucks Class 042. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [retail outlet services in the field of telephones,] automotive dealership services

U.S. Registration No.	2136409	Application Date	10/01/1990
Registration Date	02/17/1998	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 automobile fleet management services Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [telephone installation and repair services;] automobile repair services Class 038. First use: First Use: 1988/02/01 First Use In Commerce: 1988/02/01 [telephone leasing services] Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 short term rental services of automobiles and trucks; automobile leasing services		

Class 042. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15
[retail outlet services in the field of telephones;] automobile dealership services

U.S. Registration No.	2255679	Application Date	06/11/1998
Registration Date	06/22/1999	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of the com nection with the services set		green and black used in con- n.
Goods/Services	Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 AUTOMOBILE DEALERSHIP SERVICES Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [AUTOMOBILE REPAIR SERVICES] Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 VEHICLE RENTAL AND LEASING SERVICES		

U.S. Registration No.	3503173	Application Date	08/23/2006
Registration Date	09/16/2008	Foreign Priority Date	NONE
Word Mark	E		-
Design Mark			

Description of Mark	The mark consists of a green and white letter "E" in a green square.
Goods/Services	Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles
	Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes
	Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance of vehicles for others
	Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance
	Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles

U.S. Registration No.	3679720	Application Date	03/02/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark Goods/Services		e: 2007/04/30 First U	Jse In Commerce: 2007/04/30
	vehicle rental and leasing ser leasing of vehicles	vices; and reservatio	on services for the rental and

U.S. Registration	3766680	Application Date	07/24/2009
No.			

Registration Date	03/30/2010	Foreign Priority Date	NONE
Word Mark	Е		
Design Mark			
Description of Mark	green appears in the background letter "e".	und rectangle and be	ders of the letter "e". The color tween the white borders ofthe
Goods/Services	Class 036. First use: First Use: 2008/10/01 First Use In Commerce: 2008/10/01 financial sponsorship of sporting events and exhibitions		
U.S. Registration No.	3775384	Application Date	04/22/2008

U.S. Registration No.	3775384	Application Date	04/22/2008
Registration Date	04/13/2010	Foreign Priority Date	NONE
Word Mark	E		

Design Mark	
Description of Mark	The mark consists of a green and white letter "E" in a green square.
Goods/Services	Class 041. First use: First Use: 2007/01/31 First Use In Commerce: 2007/01/31
	Entertainment services, namely, participation in sporting events and exhibitions in professional bull-riding

U.S. Registration No.	3808480	Application Date	08/26/2009
Registration Date	06/22/2010	Foreign Priority Date	NONE
Word Mark	E	•	•
Design Mark			

Description of Mark	The mark consists of the color white which appears in the outer and inner borders of the letter "e". The color green appears in a darker shade in the bottom half of the rectangle and between the white borders in the bottom half of the letter "e". The color green appears in a lighter shade in the upper half of the rectangle and between the white borders in the upper half of the letter "e".
Goods/Services	Class 039. First use: First Use: 2009/11/10 First Use In Commerce: 2009/11/10 vehicle rental and leasing services andreservation services for the rental andleasing of vehicles

U.S. Registration No.	4054938	Application Date	09/09/2010
Registration Date	11/15/2011	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of	The second second first first first		
Description of Mark	The mark consists of a stylized versionof the letter "e".		
Goods/Services	Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles		

U.S. Registration No.	4054940	Application Date	09/09/2010
Registration Date	11/15/2011	Foreign Priority Date	NONE

Word Mark	E
Design Mark	
Description of Mark	The mark consists of a stylized versionof the letter "E", which appears on a contrasting shaded background of a rectangular-shaped carrier design.
Goods/Services	Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicles, namely, automobiles, trucks, cars, land vehicles
	Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes
	Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others
	Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance
	Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31
	vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles

U.S. Registration No.	4119617	Application Date	04/01/2011
Registration Date	03/27/2012	Foreign Priority Date	NONE
Word Mark	E		

Design Mark	
Description of Mark	The mark consists of a white, stylized letter "e" on a green, bulb-shaped design element.
Goods/Services	Class 039. First use: First Use: 2011/12/19 First Use In Commerce: 2011/12/19
	vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles

U.S. Registration No.	4856098	Application Date	09/17/2013
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	E	•	•
Design Mark			

Description of Mark	The mark consists of a green and white letter "e" within a square that is shaded green.
Goods/Services	Class 035. First use: First Use: 2014/04/16 First Use In Commerce: 2014/04/16
	Promotional sponsorship of sporting events; promotional sponsorship of various other entertainment media, namely, motorvehicle racing and amusement parks

U.S. Registration No.	4856100	Application Date	09/17/2013
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of a stylize that is shaded black.	ed versionof the letter	"e" in white within a square
Goods/Services	Class 035. First use: First Use	e: 2014/04/16 First U	se In Commerce: 2014/04/16
	Promotional sponsorship of so other entertainment media, na		otional sponsorship of various racing and amusement parks

U.S. Registration No.	4974772	Application Date	05/28/2015
Registration Date	06/07/2016	Foreign Priority Date	NONE
Word Mark	E		

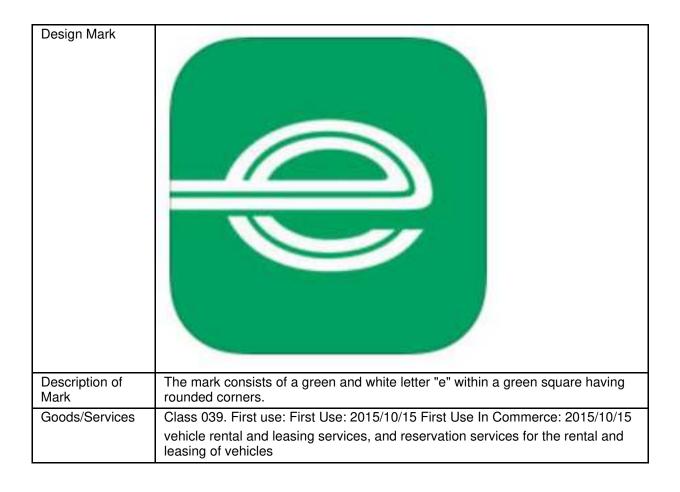
Design Mark	
Description of Mark	The mark consists of a stylized versionof the letter "e" within a square that is shaded.
Goods/Services	Class 039. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31
	Bus transport; Transportation of passengers and/or goods by bus; Transportationservices, namely, providing shuttle services by bus; Transportation vehicle rental services

U.S. Registration No.	4974774	Application Date	05/28/2015
Registration Date	06/07/2016	Foreign Priority Date	NONE
Word Mark	Е	•	
Design Mark			

Description of Mark	The mark consists of a green and white letter "e" within a square that is shaded green.
Goods/Services	Class 039. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Bus transport; Transportation of passengers and/or goods by bus; Transportationservices, namely, providing shuttle services by bus; Transportation vehicle rental services

U.S. Registration No.	4977404	Application Date	10/21/2015
Registration Date	06/14/2016	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of a green having an inverted green triar	and white letter "e" v	vithin a green square, and square.
Goods/Services	Class 039. First use: First Use vehicle rental and leasing ser leasing of vehicles		se In Commerce: 2015/10/15 n services for the rental and

U.S. Registration No.	4977405	Application Date	10/21/2015
Registration Date	06/14/2016	Foreign Priority Date	NONE
Word Mark	E		



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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/lhc/
Name	Lisabeth H. Coakley
Date	06/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

)	
Enterprise Holdings, Inc.)	
Opposer,)	Opposition No
)	Serial No. 79/162,754
V.)	Mark: E EFORCE & Design
)	Published: December 22, 2015
E-Force One AG,)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer, Enterprise Holdings, Inc., a Missouri corporation with a business address of 600 Corporate Park Drive, St. Louis, Missouri 63105, hereby Opposes registration of the mark E EFORCE & Design that is the subject of Application Serial No. 79/162,754 in International Class 12, published in the *Official Gazette* of December 22, 2015, and requests that registration to Applicant be refused.

As grounds in support of its Opposition, Opposer asserts as follows:

1. Opposer, for many years, and well prior to the filing of the subject application and long prior to any date of first use upon which Applicant may rely, has adopted and continuously used the mark "E" in whole or in part as a trademark and service mark for various transportation goods and services including but not limited to vehicles, namely, automobiles, trucks, cars, and land vehicles and the rental and leasing of vehicles and arranging for the rental and leasing of vehicles. Opposer granted its subsidiaries, licensees and affiliates operating under the name Enterprise Rent-A-Car (ERAC) an exclusive license to use Opposer's various registered and common law marks, the registered marks being more specifically described below and by virtue of that relationship, all use

by ERAC of Opposer's various registered and common law marks more specifically described below inure to the benefit of Opposer.

2. Opposer is the owner of the following United States Trademark Registrations:

Mark	Reg. No.	Issued	Class/Services
	0,925,251	12/07/1971	Class 35: Retail automobile sales services.
	1,045,085	07/27/1976	Class 39: Short-term rental services of automobiles and trucks.
	1,864,905	11/29/1994	Class 39: Rental and leasing services of automobiles and trucks. Class 42: Automotive dealership services.
	1,875,518	01/24/1995	Class 39: Rental and leasing services of automobiles and trucks. Class 42: Automotive dealership services.
Е	2,136,409	02/17/1998	Class 35: Automobile fleet management services. Class 37: Automobile repair services. Class 39: Short term rental services of automobiles and trucks; automobile leasing services. Class 42: Automobile dealership services.
	2,255,679	6/22/1999	Class 35: Automobile dealership services. Class 39: Vehicle rental and leasing services.
	3,503,173	09/16/2008	Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles. Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes. Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance of vehicles for others. Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance.

Mark	Reg. No.	Issued	Class/Services
	3,679,720	09/08/2009	Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles.
	3,766,680	03/30/2010	Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles.
	3,775,384	04/13/2010	Class 31: Entertainment services, namely, participation in sporting events and exhibitions in professional bull-riding.
	3,808,480	06/22/2010	Class 39: Vehicle rental and leasing services and reservation services for the rental and leasing of vehicles.
	4,054,938	11/15/2011	Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles. Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes. Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others. Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance. Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles.
	4,054,940	11/15/2011	Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles. Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the

Mark	Reg. No.	Issued	Class/Services
			management of a fleet of vehicles for commercial purposes. Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others. Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance. Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles.
	4,119,617	03/27/2012	Class 39: Vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles.
	4,856,098	11/17/2015	Class 35: Promotional sponsorship of sporting events; promotional sponsorship of various other entertainment media, namely, motor vehicle racing and amusement parks.
	4,856,100	11/17/2015	Class 35: Promotional sponsorship of sporting events; promotional sponsorship of various other entertainment media, namely, motor vehicle racing and amusement parks.
	4,974,772	06/07/2016	Class 39: Bus transport; Transportation of passengers and/or goods by bus; Transportation services, namely, providing shuttle services by bus; Transportation vehicle rental services.
	4,974,774	06/07/2016	Class 39: Bus transport; Transportation of passengers and/or goods by bus; Transportation services, namely, providing shuttle services by bus; Transportation vehicle rental services.
	4,977,404	06/14/2016	Class 39: vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles.
	4,977,405	06/14/2016	Class 39: vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles.

(hereinafter referred to "Opposer's Registered Marks" or "ERAC's licensed Marks"). Opposer's Registered Marks are presumptive evidence of Opposer's exclusive right to use Opposer's

Registered Marks and/or to grant an exclusive license to ERAC to use the licensed Marks identified in such registrations in commerce in connection with the services so identified.

- 3. Together, Opposer's common law marks and Opposer's Registered Marks comprise a valuable family of trademarks, collectively referred to herein as "Opposer's Marks."
 - 4. Applicant has filed the following intent-to-use application:

Mark	Serial No.	Goods	Filing and Publication Date
EFOCCE	79/162,754	Class 12: Vehicles, namely land vehicles; apparatus for locomotion by land, air or water, namely land vehicles, boats, airplanes; electric vehicles, namely electric land vehicles.	Filed: 01/12/2015 Published: 12/22/2015

("Applicant's Mark").

- 5. Applicant's Mark so resembles Opposer's Registered Marks so as to be likely, when applied to the services set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
- 6. If Applicant's Mark were to register, Opposer would be damaged as a result of this likely confusion.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration to Applicant be refused.

The Commissioner is hereby authorized to charge Deposit Account 08-0750 in the event of insufficient funds.

Respectfully Submitted,

ENTERPRISE HOLDINGS, INC.

Dated: June 16, 2016

By: _

Lisabeth H. Coakley, Esq.

HARNESS, DICKEY & PIERCE, P.L.C.

Suite 200, 5445 Corporate Drive

Troy, Michigan 48098

T: 248-641-1600

F: 248-641-0270

Attorneys for Opposer Enterprise Holdings, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Enterprise Holdings, Inc.))
Opposer,	Opposition No
	Serial No. 79/162,754
V.	Mark: E EFORCE & Design
	Published: December 22, 2015
E-Force One AG	
Applicant.)
)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on Applicant **E-Force One AG**, by mailing said copy to the correspondent address of record with the United States Patent and Trademark Office and the Trademark Trial and Appeal Board, on June 16, 2016, via First Class Mail, postage prepaid, to:

Nicholas J. Gingo Renner, Otto, Boisselle & Sklar 1621 Euclid Avenue Floor 19 Cleveland, OH 44115

> Timothy of Corporar-Timothy J. Comparoni